

Coram: R.R.Jain, J.

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November 18, 1995.

Order:

In a recent decision of the Supreme Court, reported in 1995 (3) SCC 17, in the matter of change of date of birth in service record, a word of caution has been laid down that in case of unexplained and inordinate delay in seeking appropriate relief, judicial interference should be exercised very sparingly and with circumspection. In the instant case, admittedly, the petitioner joined service on 3.8.1965 giving his birth date as 1.3.1944. The date was entered on the basis of the certificate issued by the school authority. After lapse of about 20 years, in the year 1985, for the first time, the petitioner requested the respondents to record the change in birth date on the basis of affidavit of his father and some evidence obtained from the record of Municipality showing birth date as 7.2.1945. The request was considered by the respondents in light of Regulation 8 of the Oil & Natural Gas Commission (Terms and Conditions of Appointment and Service) Regulations, 1975, and was turned down. According to the Regulations, the date of birth can be corrected only if the authority is satisfied that bona fide clerical mistake had been committed. According to the Regulations this exercise can only be done during the period of probation. It is not the case of the petitioner that there is a clerical mistake and, therefore, on the face of it does not fall within the purview of Service Regulations governing the petitioner.

Normally, correction of birth date in the service record is discouraged for the simple reason that by giving incorrect date at the time of entering into service one gets benefit of early entry though not eligible and again, if corrected during the tenure of service, would get extension beyond the age of superannuation for that particular years. This is not a healthy practice to be encouraged.

Apart from these facts, the alleged birth certificate, Annexure I, at page 26, issued by Bharuch Nagarpalika, does not show name of the petitioner and, therefore, could not be said to be a concrete and cogent documentary evidence fortifying the case for correction of birth

date. In absence of any concrete and cogent evidence, as discussed above, in my view, on the face of it, no illegality has been committed by the competent authority in rejecting the petitioner's application. The impugned decision does not call for further consideration or interference by this court as does not suffer from any illegality and, therefore, the petition is rejected.

November 18, 1995. (R.R.Jain,J.)